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Docket No.: 5244-0099-2X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/393,677
Applicants: Tetsuro MOTOYAMA, et al.
Filing Date: September 10, 1999
For: REMOTE SYSTEM USAGE MONITORING WITH FLEXIBLE OBJECT
Group Art Unit: 2179
Examiner: TRAN, M.

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF W/APPENDICES

Our credit card payment form in the amount of **$500.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 5244-0099-002X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
TETSURO MOTOYAMA ET AL.	:	EXAMINER: TRAN, M
SERIAL NO: 09/393,677	:	
FILED: SEPTEMBER 10, 1999	:	GROUP ART UNIT: 2179
FOR: REMOTE SYSTEM USAGE MONITORING WITH FLEXIBLE OBJECT	:	

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants appeal the outstanding final rejection of November 14, 2006.

I. REAL PARTY IN INTEREST

The present application is assigned to Ricoh Company, Ltd., having a place of business at 3-6 Nakamagome 1-chome, Ota-ku, Tokyo 143-8555, Japan, and that party is the Real Party in Interest in the present appeal.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative and the assignee are not aware of any other interferences or judicial proceedings that would directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

The Appeal in the present application may be considered related to a decided appeal in U.S. application serial no. 09/440,692, which was granted in applicants' favor. The appeal

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in U.S. application serial no. 09/440,692 addressed a rejection similar to the present rejection, and with respect to similar claimed subject matter. Applicants believe, as discussed in the "Arguments" section below, that the issues in the present appeal are thereby related to the issues in U.S. application serial no. 09/440,692 decided by the Board.

Applicants also point out another related appeal in U.S. application serial no. 09/440,692. That appeal may be considered related as it is directed to similar claimed subject matter as in the present application, although the grounds for rejection in the present application differ from that in U.S. application serial no. 09/4340,692.

III. STATUS OF THE CLAIMS

Claims 1, 5-9, 13-17, 22-25, and 31-32 are pending in this application. Each of claims 1, 5-9, 13-17, 21-25, and 29-36 is being appealed.

Claims 2-4, 10-12, 18-20, and 26-28 were canceled during prosecution of the present application.

IV. STATUS OF THE AMENDMENTS

In the present application an after final Amendment was filed on December 28, 2006 amending the claims. The Advisory Action of January 26, 2007 indicated that Amendment filed December 28, 2006 would be entered upon filing an appeal. Therefore, the claims being appealed are as presented in that Amendment filed December 28, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed inventions are directed to a system, a method, and a computer program product that all operate to monitor usage of an operation panel of an image forming device,

the operation panel including a plurality of operations to be selected by a user, and that then send a message with a log file of the monitored usage data to a destination.

Independent Claim 1

In the claimed invention as recited in independent claim 1, and with reference to Figures 9-11 in the present specification as a non-limiting example, a system includes a device 300 that can be an image forming device including an operation panel 700 with operations to be selected by a user. Figure 11 specifically shows an operation panel 700 of an image forming device as a user interface. (See also the present specification at page 17, line 17, to page 19, line 8.)

Further, in claim 1 a monitoring unit can monitor data of selecting of the plurality of operations of the operation panel by the user, and generate a log of the monitored data to be stored in the device. (See for example the monitoring block 1200 in Figures 12A, 12B, which includes a logging operation 1315, and the corresponding discussion in the present specification at page 19, line 26 et seq.)

Further, in claim 1, a communicating device receives the log file of the monitored data, and communicates the log of the monitored data. (See for example the sending block 1600 in Figures 12A, 12B and also Figure 17 in the present specification.)

Further, in claim 1, the monitoring device includes a control to automatically start the monitoring without requiring a connection to a receiving device to which the log of the monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program. (See for example the present specification at page 20, line 22 et seq., and particularly lines 23-24 that state that Figure 13 shows that when a target application starts up a startMonitoring function is called. As evident from that discussion in the present specification and from Figure 13 no connection to a device

to which the message of the monitored data is to be communicated is needed to begin the monitoring operation.)

Further, in claim 1, the communicating device includes a control to automatically communicate the message of the monitored data by a unidirectional communication without requiring input from the device to which the message of the monitored data is to be sent. (That subject matter is evident from Figure 17 in the present specification showing the operation of the sending block 1600 and the corresponding description thereof in the present specification at page 26, line 26 et seq. At that portion it is clear that the message of the monitored data is sent without requiring an input from the device to which the message of the monitor data is to be communicated.)

Independent Claim 9

In the claimed invention of independent claim 9, and with reference to Figures 9-11 in the present specification as a non-limiting example, a system includes a device 300 that can be an image forming device including an operation panel with operations to be selected by a user. Figure 11 specifically shows an operation panel 700 of an image forming device as a user interface. (See also the present specification at page 17, line 17, to page 19, line 8.)

Further, in claim 9, a monitoring means monitors data of selecting of the plurality of operations of the operation panel by the user, and generates a log of the monitored data to be stored in the device. (See for example the monitoring block 1200 in Figures 12A, 12B, which includes logging operation 1315, and the corresponding discussion in the present specification at page 19, line 26 et seq., which correspond to the claimed "monitoring means").

Further, in claim 9, a communicating means receives the log file of the monitored data, and communicates the log of the monitored data. (See for example the sending block

1600 in Figures 12A, 12B and also Figure 17 in the present specification, which corresponds to the claimed "communication means").

Further, in claim 9, the monitoring means includes a control to automatically start the monitoring without requiring a connection to a receiving device to which the log of the monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program. (See for example the present specification at page 20, line 22 et seq., and particularly lines 23-24 that state that Figure 13 shows that when a target application starts up a startMonitoring function is called. As evident from that discussion in the present specification and from Figure 13 no connection to a device to which the message of the monitored data is to be communicated is needed to begin the monitoring operation. Such operations also correspond to the claimed "monitoring means".)

Further, in claim 9, the communicating means includes a control to automatically communicate the message of the monitored data by a unidirectional communication without requiring input from the device to which the message of the monitored data is to be sent. (That subject matter is evident from Figure 17 in the present specification showing the operation of the sending block 1600 and the corresponding description thereof in the present specification at page 26, line 26 et seq. At that portion it is clear that the message of the monitored data is sent without requiring an input from the device to which the message of the monitor data is to be communicated. Such operations also correspond to the claimed "communicating means".)

Independent Claim 17

In the invention of independent claim 17, and with reference to Figures 9-11 in the present specification as a non-limiting example, a method monitors usage of an operation panel 700 of a device 300 that can be an image forming device, the operation panel 700

including operations to be selected by a user. Figure 11 specifically shows an operation panel 700 of an image forming device as a user interface. (See also the present specification at page 17, line 17, to page 19, line 8.)

Further, in claim 17, a monitoring is executed to monitor data of selecting of the plurality of operations of the operation panel by the user, and a generating operation generates a log file of the monitored data to be stored in the device. (See for example the monitoring block 1200 in Figures 12A, 12B, which includes a logging operation 1315, and the corresponding discussion in the present specification at page 19, line 26 et seq., which correspond to the claimed "monitoring" and "generating" operations).

Further, in claim 17, the log the monitored data is received and then communicated. (See for example the sending block 1600 in Figures 12A, 12B and also Figure 17 in the present specification, which correspond to the claimed "receiving" and "communicating" operations.)

Further, in claim 17, the monitoring includes a control operation to automatically start the monitoring without requiring a connection to a receiving device to which the log of the monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program. (See for example the present specification at page 22, line 22 et seq., and particularly lines 23-24 that state that Figure 13 shows that when a target application starts up a startMonitoring function is called. As evident from that discussion in the present specification and from Figure 13 no input from a device to which the message of the monitored data is to be communicated is needed to begin the monitoring operation. Such operations also correspond to the claimed "generating" and "monitoring" operations.)

Further, in claim 17, the communicating includes a control operation to automatically communicate the message of the monitored data by a unidirectional communication without

requiring input from the device to which the message of the monitored data is to be communicated. (That subject matter is evident from Figure 17 in the present specification showing the operation of the sending block 1600 and the corresponding description thereof in the present specification at page 26, line 26 et seq. At that portion it is clear that the message of the monitored data is sent without requiring an input from the device to which the message of the monitor data is to be communicated. Such operations also correspond to the claimed "communicating" operation.)

Independent Claim 25

In the invention of independent claim 25, and with reference to Figures 9-11 in the present specification as a non-limiting example, a computer program product operates with a device 300 that can be an image forming device including an operation panel 700 with operations to be selected by a user. Figure 11 specifically shows an operation panel 700 of an image forming device as a user interface. (See also the present specification at page 17, line 17, to page 19, line 8)

Further, in claim 25, by a first computer code a monitoring is executed to monitor a user's usage of selecting of the plurality of operations of the interface by the user, and to generate a log of monitored data in the device. (See for example the monitoring block 1200 in Figures 12A, 12B, which includes an encoding operation 1610 and a logging operation 1315, and the corresponding discussion in the present specification at page 19, line 26 et seq., which correspond to the claimed "first computer code device" and its operation).

Further, in claim 25, by a second computer code, a log file of the monitored data is received, and communicated. (See for example the sending block 1600 in Figures 12A, 12B and also Figure 17 in the present specification, which correspond to the claimed "second computer code device" and its operation.)

Further, in claim 25, the first computer code includes a control to automatically start the monitoring without requiring a connection to a receiving device to which the log of the monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program. (See for example the present specification at page 20, line 22 et seq., and particularly lines 23-24 that state that Figure 13 shows that when a target application starts up a startMonitoring function is called. As evident from that discussion in the present specification and from Figure 13 no connection to a device to which the message of the monitored data is to be communicated is needed to begin the monitoring operation. Such operations also correspond to the claimed "first computer code device" and its operations.)

Further, in claim 25, the second computer code includes a control to automatically communicate the message of the monitored data by a unidirectional communication without requiring input from the device to which the message of the monitored data is to be sent. (That subject matter is evident from Figure 17 in the present specification showing the operation of the sending block 1600 and the corresponding description thereof in the present specification at page 26, line 26 et seq. At that portion it is clear that the message of the monitored data is sent without requiring an input from the device to which the message of the monitor data is to be communicated. Such operations also correspond to the claimed "second computer code device" and its operation.)

V. GROUNDS OF REJECTION

Claims 1, 5-9, 13-17, 21-25, and 29-36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent no. 5,566,291 to Boulton et al. (herein "Boulton") in view of U.S. patent no. 6,181,981 to Varga et al. (herein "Varga").

The above-noted rejection is appealed.

VI. ARGUMENT

The issue pending in this appeal is whether each element positively recited in Claims 1, 5-9, 13-17, 21-25, and 29-36 is fully met by the combination of teachings of Boulton in view of Varga. Applicants respectfully submit each of the claims positively recites features neither taught nor suggested by that combination of teachings.

First, each of the independent claims 1, 9, 17, and 25, and thereby the claims dependent therefrom, recites that the monitoring unit means, or operation starts the monitoring "automatically upon start-up of the image forming device without the user directly starting a monitoring program." That feature is similar to a feature recited in co-pending U.S. application serial no. 09/311,148, which was found allowable based on a Board of Appeals decision, as discussed further below. Such a feature is believed to distinguish the claims as currently written over the applied art.

In detail, the claims are directed to a system in which a user's selection of operations on an interface of an image forming device, for example a facsimile, a copier, a printer, a scanner, are monitored. That is, as recited in the claims, how a user utilizes an interface of an image forming device is monitored. Further, that monitoring is effectuated without the user having to directly start a monitoring program. Those features recited in the claims are believed to clearly distinguish over the applied art.

As discussed in the present specification for example at page 20, line 22 et seq., when a target application MB starts up, the MB object calls a function startMonitoring of a CMonitoringIF object 1305, which begins logging data corresponding to a user's usage of a user interface 510. Thus, the monitoring is automatic upon start-up of the target application and does not require the user to directly execute a specific monitoring program, i.e. the user does not need to take any action besides starting up the target application to begin the monitoring.

The above-noted features are believed to clearly distinguish over the applied art.

The outstanding rejection recognizes deficiencies in Boulton not teaching automatically starting a monitoring without requiring a connection to a receiving device to which the log of the monitored data is to be sent. In that respect applicants note Boulton also clearly fails to teach or suggest, and in fact ***teaches directly away*** from, "automatically starting a monitoring upon start-up of an image forming device without the user directly starting the monitoring program". To overcome the recognized deficiencies in Boulton the outstanding Office Action cites Varga, particularly noting column 2, line 65 to column 3, line 13.

In reply to that basis for the outstanding rejection applicants submit Varga is completely unrelated to Boulton and that no combination of teachings of Varga and Boulton meets the claim limitations.

First, Varga is directed to an inventory maintenance for a vending machine. Such a disclosure in Varga is completely unrelated and has no relevance whatsoever to the device of Boulton. Boulton is directed to a system in which a user can input specified typed commands as feedback after entering an enter feedback mode. A disclosure to monitoring the inventory of a vending machine has no relevance whatsoever to such a device, and it would be non-sensical to one of ordinary skill in the art to try to attempt to combine such teachings.

In fact the stated motivation to combine the teachings of Varga to Boulton is "to make it easy for the user by not requiring him/her to directly execute a specific monitoring program".[1]

That basis for the outstanding rejection is ***directly contrary to the teachings in Boulton***. Boulton clearly could not have been modified by the teachings in Varga to meet the claim limitations.

[1] Final Office Action of November 14, 2006, the sentence bridging pages 4 and 6.

More particular, Boulton is specifically directed to a device for allowing user feedback. In Boulton "feedback" is defined as comments, suggestions, questions, or other information sent by a user or learner to an author of the learning material, reviewer of the learning system, providing of a product, process, service, or issue, or other person responsible for improvement, maintenance, organization, or content of a product, process, or service.[2] In such ways, in Boulton the user is ***required*** to input the monitored information to be provided to the reviewing party. Further, it is also clear from Boulton for example from Figure 20, step 286, and the disclosure at column 39, lines 42-47 and column 40, lines 1-3, that in Boulton a user must initiate an action to even perform the "feedback" therein. That operation in Boulton is directly contrary to the claimed features in which the monitoring is performed automatically upon start-up of the image forming device without the user directly starting a monitoring program. Moreover, as such, it would be impossible to modify Boulton to start a monitoring progress automatically because in Boulton the entire monitoring process is the ***user typing in comments***. It is simply not possible for such an operation to occur without a user starting the monitoring as again in Boulton the monitoring is the user typing in comments or suggestions.

In such ways, it would not have been possible to one of ordinary skill in the art to modify the teachings in Boulton in view of the teachings of Varga in the manner suggested in the outstanding Office Action.

Applicants also submit statements made by the Board of Appeals in the decision in U.S. application serial no. 09/311,148 are relevant to the above rejection. Applicants submit it is clear the outstanding rejection is improper and the Board of Appeals recognized that a similar basis for the rejection in the present application as in co-pending U.S. application serial no. 09/311,148 is improper.

[2] Boulton at column 8, lines 59-65.

More specifically, applicants submit the Board in that related case found the positions advanced by the Examiner, which are similar to the positions presented in the present application, to be unfounded. In that decision the Board recognized that Boulton provided an "explicit requirement ... of the user activating an enter feed mode command to initiate the user feedback operations that are extensively shown and discussed in Boulton".[3] Applicants respectfully submit that in view of the above-noted comments clearly Varga does not overcome such express disclosures in Boulton, for similar reasons as recognized in the noted Board of Appeals decision.

In maintaining the rejection, the Advisory Action of January 26, 2007 states:

> ...Applicant argues that the rejection has not addressed why and how the outstanding rejection is maintained in view of the decision of the Board of Appeals in the related co-pending U.S. application serial no. 09/311,148. However, the examiner relies on Boulton in view of Ladd to reject the application 09/311,148 while relies on Boulton in view of Varga to reject the current application. The ground of rejection of each application is different. So, the Board decision on the application '148 does not relate to the outstanding rejection.

Applicants of course recognize the different grounds for rejection. However, applicants submit the ***issues*** in the co-pending U.S. application serial no. 09/311,148 as decided by the Board of Appeals are similar and clearly material to the ***issues*** in the present application. In that respect applicants also note the comments above directed to the Board's decision indicate how the Board interpreted the reference to Boulton, which ***is*** cited in the present application in the same way as applied in U.S. application serial no. 09/311,148. Again, the Board recognizes that Boulton had an "explicit requirement...the user activating an interfeed mode command to initiate the user feedback operations that are extensively shown and discussed in Boulton". That explicit requirement on Boulton is clearly also

[3] Board Decision in 09/311,148, bottom of page 5.

relevant to how Varga could not have been combined with the teachings on Boulton, as discussed above.

Moreover, in maintaining the outstanding rejection in view of arguments above, the outstanding Office Action states:

> Applicant argues that there is no motivation to combine the teachings of Varga to Boulton. However, the examiner respectfully disagrees because both references teach a specific monitoring program. Boulton discloses "A feedback interface of the present invention quickly and easily collects feedback from a user. A feedback viewing interface of the present invention receives feedback data from one or more users and presents the feedback data to a reviewer according to specific preferences of the reviewer. The feedback system of the present invention collects feedback from users and present feedback to reviewers in forms capable of promoting improvements in systems incorporating these roles". Varga teaches "a self-monitoring vending machine with remote network communication and a process for analyzing information so communicated in order to provide efficient scheduling of service calls".[4]

Applicants submit the above-noted statements do not at all address the detailed comments presented above as to why the rejection of Boulton in view of Varga is improper.

First, the basis for maintaining the outstanding rejection appears based solely on the position that both Boulton and Varga "teach a specific monitoring program". Applicants submit that statement is irrelevant. That is, many monitoring programs exist but not all monitoring programs could be viewed as related to each other. For example a monitoring program that monitors a patient's heart beat or a medical condition would clearly be unrelated to either of the feedback interface of Boulton or the vending machine monitoring in Varga. It simply cannot be the case that all monitoring programs are relevant to one another.

Moreover, the above statements appear to only emphasize the vast differences between the monitoring systems of Boulton and Varga. Boulton as noted above is directed to a feedback interface to collect feedback from a user, which does not appear to have any

[4] Final Office Action of November 14, 2006, page 5.

relevance whatsoever to a self-monitoring vending machine. In Boulton, and as discussed above in detail, the user ***must*** enter the feedback, and the rejection itself recognizes that Boulton is a self-monitoring vending machine. A user being ***required*** to enter feedback in a computer environment in Boulton is unrelated clearly to a self-monitoring vending machine as in Varga.

Moreover, the basis for the outstanding rejection has not addressed the basic point that Boulton is specifically designed to ***not to be self-monitoring***. Boulton specifically requires the user to enter a feedback mode, and thus Boulton requires a system that is not self-monitoring. The outstanding rejection has ignored the fact that Boulton could not operate for its intended purpose if modified to meet the claim limitations of starting a monitoring operation "automatically upon start-up of the image forming device without the user directly starting a monitoring program". It is impossible to Boulton to operate for its intended purpose if modified to meet that claim limitation.

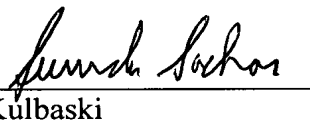
Thereby, Boulton could not have properly been modified in view of Varga in a manner to meet the claim limitations.

VII. CONCLUSION

For the above-noted reasons applicants respectfully submit the claims as written distinguish over Boulton in view of Varga. Thereby, the outstanding rejection must be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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CLAIMS APPENDIX

1. A system comprising:

an image forming device comprising an operation panel, the operation panel comprising a plurality of operations to be selected by a user;

a monitoring unit configured to monitor data of selecting of the plurality of operations of the operation panel by the user, and to generate a log of the monitored data, the log of the monitored data being stored in the device, and to automatically start the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program;

a communicating unit configured to receive the log of the monitored data, and to automatically communicate the log of the monitored data by a unidirectional communication without requiring input from the device to which the log of the monitored data is to be sent.

2-4 (Canceled).

5. A system according to Claim 1, wherein the communicating unit sends the log of the monitored data when the user exits the device.

6. A system according to Claim 1, further comprising a setting unit configured to set a number of sessions of the device to be executed by the user prior to the communicating unit communicating the log of the monitored data.

7. A system according to Claim 6, wherein the log of the monitored data is in a form of an abstract class, and the abstract class includes first and second derived classes, the first

derived class storing data of one session and the second derived class storing data of the set number of sessions.

8. A system according to any one of Claims 1 and 5-7, wherein the communicating unit communicates the log of the monitored data by Internet mail.

9. A system comprising:

an image forming device comprising an operation panel, the operation panel providing a plurality of operations to be selected by a user;

monitoring means for monitoring data of selecting of the plurality of operations of the operation panel by the user, and for generating a log of the monitored data, the log of the monitored data being stored in the device, and to automatically start the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program;

communicating means for receiving the log of the monitored data, and for automatically communicating the log of the monitored data by a unidirectional communication without requiring input from the device to which the log of the monitored data is to be sent.

10-12 (Canceled).

13. A system according to Claim 9, wherein the communicating means sends the log of the monitored data when the user exits the target device.

14. A system according to Claim 9, further comprising a setting means for setting a number of sessions of the device to be executed by the user prior to the communicating means communicating the log of the monitored data.

15. A system according to Claim 14, wherein the log of the monitored data is in a form of an abstract class, and the abstract class includes first and second derived classes, the first derived class storing data of one session and the second derived class storing data of the set number of sessions.

16. A system according to any one of Claims 9 and 13-15, wherein the communicating means communicates the log of the monitored data by Internet mail.

17. A method of monitoring usage of an operation panel of an image forming device, the operation panel including a plurality of operations to be selected by a user, comprising the steps of:

monitoring data of selecting of the plurality of operations of the operation panel by the user;

generating a log of the monitored data, the log of the monitored data being stored in the device, and to automatically start the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program; and

receiving the log of the monitored data, and automatically communicating the log of the monitored data by a unidirectional communication without requiring input from the device to which the log of the monitored data is to be sent.

18-20 (Canceled).

21. A method according to Claim 17, wherein the communicating step sends the log of the monitored data when the user exits the device.

22. A method according to Claim 17, further comprising a step of setting a number of sessions of the device to be executed by the user prior to the communicating device communicating the log of the monitored data.

23. A system according to Claim 22, wherein the log of the monitored data is in a form of an abstract class, and the abstract class includes first and second derived classes, the first derived class storing data of one session and the second derived class storing data of the set number of sessions.

24. A method according to any one of Claims 17 and 21-23, wherein the communicating step communicates the log of the monitored data by Internet mail.

25. A computer program product comprising:

a computer storage medium and a computer program code mechanism embedded in the computer storage medium for causing a computer to monitor a user's usage of an

operation panel of an image forming device, the operation panel comprising a plurality of operations to be selected by a user, comprising:

a first computer code device configured to monitor data of selecting of the plurality of operations of the operation panel by the user, and configured to generate a log of the monitored data, the log of the monitored data being stored in the device, and to automatically start the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program; and

a second computer code device configured to receive the log of the monitored data, and to automatically communicate the log of the monitored data by a unidirectional communication without requiring input from the device to which the log of the monitored data is to be sent.

26-28 (Canceled).

29. A computer program product according to Claim 25, wherein the second computer code device is further configured to send the log of the monitored data when the user exits the device.

30. A computer program product according to Claim 25, further comprising a third computer code device configured to set a number of sessions of the device to be executed by the user prior to the second computer code device communicating the log of the monitored data.

31. A computer program product according to Claim 30, wherein the log of the monitored data is in a form of an abstract class, and the abstract class includes first and second derived classes, the first derived class storing data of one session and the second derived class storing data of the set number of sessions.

32. A computer program product according to any one of Claims 25 and 29-31, wherein the second computer code device is further configured to communicate the log of the monitored data by Internet mail.

33. A system according to Claim 1, wherein the log of the monitored data is in a form of an abstract class.

34. A system according to Claim 9, wherein the log of the monitored data is in a form of an abstract class.

35. A method according to Claim 17, wherein the log of the monitored data is in a form of an abstract class.

36. A computer program product according to Claim 25, wherein the log of the monitored data is in a form of an abstract class.

EVIDENCE APPENDIX

None.

RELATED APPEALS APPENDIX

The Appeal in the present application may be considered related to a decided appeal in U.S. application serial no. 09/440,692, which was granted in applicants' favor. The appeal in U.S. application serial no. 09/440,692 addressed a rejection similar to the present rejection, and with respect to similar claimed subject matter. Applicants believe, as discussed in the "Arguments" section above, that the issues in the present appeal are thereby related to the decided issues in U.S. application serial no. 09/440,692 decided by the Board.

The present application is related to the appeal in U.S. application serial no. 09/440,692 by virtue of reciting similar claim features as in U.S. application serial no. 09/440,692.